

भारत का राजपत्र The Gazette of India

EXTRAORDINARY

भाग II—खंड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सक ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 21st November, 1969.—

BILL No 81 OF 1969

A Bill to provide for the creation of trust corporations and for matters connected therewith.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

- 1 (1) This Act may be called the Indian Trusteeship Act, 1969.
- (2) It shall extend to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title,
extent
and
commence-
ment.

2 In this Act, unless the context otherwise requires,—

(a) “business” means and includes industries, plantations, banks, trade, transport or any other activity carried on for profit;

Defini-
tions.

(b) “company” means any public or private limited company registered under the companies Act, 1956, and having a subscribed capital of more than a million rupees;

(c) "panchayat" means the organ of management of a trust corporation constituted in the manner provided in this Act;

(d) "trust corporation" means any company the owners whereof have declared themselves to be its trustees in the manner prescribed in this Act.

Provisions
to have
effect
notwith-
standing
any law
in force.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force.

Formation
of a trust
corpora-
tion.

4. A company may, by a resolution passed by a majority of shareholders present and voting at its general meeting declare itself to be a trust corporation.

Registrar
to be
informed.

5. Immediately after the passing of the resolution referred to in section 4, the managing agent or the manager or the secretary of the company shall notify the same to the Registrar of Joint Stock Companies in whose jurisdiction the head office of the company is situated.

Manage-
ment
during
interim
period.

6. The Registrar, on receiving such notice, shall direct the managing agent, the manager or the secretary, as the case may be, to carry on the day to day business of the company as an interim managing trustee.

Panchayat
of
trustees.

7. The Registrar shall, as soon as possible, arrange to take stock of the assets and liabilities of the company and shall constitute a Panchayat of trustees consisting of not more than sixteen members, in the following manner to supervise, control and direct the managing trustee:—

(a) not more than five trustees to be nominated by the shareholders of the company at its general meeting;

(b) not more than five trustees to be elected by the trade union of the employees of the company, of whom at least one shall be from the managerial staff, one from the jobbers and the rest from any section of the employees;

(c) five trustees, to be nominated by the Registrar of Joint Stock Companies, as experts, one each from the Planning Commission, Ministry of Industrial Development, Internal Trade and Company Affairs, Department of Company Law Administration, Department of Labour of the State Government concerned and a nominee of the Municipal Committee or Corporation of the locality in which the head office of the company is situated;

(d) the interim managing trustee shall be an *ex-officio* member of the Panchayat.

8. Every worker who has been in the employment of the company for not less than six months shall have the right to vote in the election of the trustees.

Right of workers to vote.

9. No representative of workers shall be included in the Panchayat unless he belongs to a united trade union which makes an active demand for responsible participation in the management of the trust corporation.

Qualification of workers to be elected as trustees.

10. The Panchayat shall decide all major questions relating to the management of the business of the trust corporation and, in particular, frame rules for the efficient management of the corporation, approve its annual production plans and annual accounts, construction and development programme, purchases, sales, loans, credits, wages, salaries, bonus to employees and interest, if any, to shareholders.

Functions of the Panchayat.

11. The net profits of the trust corporation, after due provision being made for depreciation and provident funds, shall be credited to the income-tax folio of the Ministry of Finance, Government of India, for being allocated to the different States according to the recommendations of the Finance Commission.

Profits to be credited to the Government.

12. The employees of the trust corporation shall not demand any rise in wages which is not commensurate with the earnings of an average villager or the uniform scales of wages determined by the Ministry of Labour, Employment and Rehabilitation of the Government of India.

Wages of employees.

13. The Panchayat may sanction payment of general bonus or individual merit bonus for surpassing the annual production targets fixed for the corporation.

Payment of bonus.

14. Works Committee of employees shall be formed in every department of the trust corporation and they shall be entrusted with the job of explaining the decisions of the Panchayat to the employees, maintenance of the discipline and execution of welfare schemes of the trust corporation.

Works Committees.

15. The managing agent, the manager or the secretary of the company which has declared itself to be a trust corporation, shall become the *ex-officio* managing trustee of the corporation.

Managing trustee.

16. If the managing agents are a company or a firm, such company or firm may nominate the first managing trustee of the trust corporation.

Managing trustee to be nominated in certain cases.

17. The first managing trustee shall continue in office for five years or till he attains the age of sixty years, whichever is longer.

Term of office of managing trustee.

- Removal of managing trustee. 18. The managing trustee shall be liable to be removed from office by the Panchayat for a criminal breach of trust.
- Remuneration of managing trustee. 19. (1) The remuneration of the first managing trustee shall be fixed by a contract between him and the Panchayat.
- (2) In case of dispute regarding the remuneration of the first managing trustee, the Registrar of Joint Stock Companies shall fix the same after taking into consideration the standard of life to which the first managing trustee is accustomed.
- Successor of managing trustee. 20. The first managing trustee may recommend a successor to his office but the final appointment shall be made by the Panchayat.
- Salaries. 21. The salaries of subsequent managing trustees and other supervisory or technical staff shall be fixed by the Panchayat.
- Chairman of the Panchayat of trustees. 22. The Panchayat shall elect a Chairman from among its members who shall summon its meetings from time to time and shall preside over the same.
- Panchayat to act through the managing trustee. 23. The Panchayat shall supervise the work of the managing trustee, examine his reports and give him instructions in regard to the day to day administration as also the policies and programme of the corporation.
- Control over employees. 24. All employees of the trust corporation shall be subject to the authority of the managing trustee in performing their duties.
- Powers of the managing trustee. 25. The managing trustee shall be empowered to impose disciplinary penalties on defaulting employees.
- Audit. 26. The accounts of the trust corporation shall be audited by the Comptroller and Auditor-General of India.
- Scrutiny of accounts. 27. Statements of income and expenditure, balance sheets and statements of assets and liabilities shall be placed before a joint annual general meeting of all employees of the trust corporation and all shareholders of the company.
- Government to acquire trust corporations in certain cases. 28. The Registrar of Joint Stock Companies on being satisfied on the basis of auditor's report that the affairs of a trust corporation are being conducted in a manner harmful to the interests of the community, may recommend to the Central Government to take over the assets of the corporation and dispose them of in any manner it deems fit.

29. The co ordination of the industrial or commercial activities of the trust corporation with the national plans for economic development shall be the responsibility of the representative of the Planning Commission on the Panchayat, whose decisions in this regard shall be final.

Co-ordination with national plans.

30. Any industry or undertaking whose management has been taken over by the Government under the Industries (Development and Regulation) Act, 1951, and entrusted to the Registrar of Joint Stock Companies, may be treated as a trust corporation for the purposes of this Act.

Acquired undertakings.

31. New trust corporations may be floated ab initio by an individual entrepreneur investing fifty per cent of the subscribed capital, provided that the Central or the State Government concerned agrees to contribute the other half; so, however, that the total equity capital does not exceed twenty lakh rupees.

New trust corporations.

32. A trust corporation formed under section 31 shall be subject to the same rules as are applicable to any other trust corporation formed under this Act.

Application of rules.

33. The terms agreed to between the managing trustee of a corporation formed under section 31 and the Government in respect of remuneration shall be valid during the active lifetime of the original managing trustee.

Managing trustee of a new corporation.

34. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act:

Power to make rules.

Provided that the rules made hereunder shall not make any discrimination between companies owned or managed by Indian and foreign nationals.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Mahatma Gandhi had once said that when India became free, all the capitalists would be given an opportunity of becoming statutory trustees. The Bill seeks to provide such an opportunity to the owners of large companies and proposes necessary provisions for the democratic management of the resultant trust corporations in accordance with the principles of trusteeship formulated by Gandhiji. The provisions of the Bill are intended to usher peacefully an era of a socialist society. As the Planning Commission has observed in the Second Five Year Plan, a socialist society is built up not solely on monetary incentives but on ideas of service to society. It is necessary, therefore, that the worker should be made to feel that he is helping to build a socialist State. The provisions of the Bill are expected to promote increased productivity by giving the workers a sense of full and intelligent participation in the processes of production, purchases, sales and investments of the enterprise. This Bill is not a compulsory but a permissive measure enabling the present owners of large companies to transform their existing titles based on absolute rights into trust ownership. Enactment of this legislation during the Gandhi Centenary year will be a fitting memorial to the Father of the Nation.

NEW DELHI;

GEORGE FERNANDES.

The 18th February, 1969.

RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION
OF INDIA

[Copy of letter No. 7/16/69-C.L.V, dated the 8th August, 1969 from Shri Fakhruddin Ali Ahmed, Minister of Industrial Development, Internal Trade and Company Affairs to the Secretary, Lok Sabha.]

The Chief Justice of India (Shri M. Hidayatullah) discharging the functions of the President, having been informed of the subject matter of the Bill to provide for the creation of trust corporations and for matters connected therewith, has recommended, under article 117(1) of the Constitution of India, the introduction of the said Bill in the Lok Sabha.

FINANCIAL MEMORANDUM

Clause 31 of the Bill enables public or co-operative institutions to participate in the floating of new trust corporation. The Central or State Governments may, if they choose, invest their funds in such new trust corporations. This would involve recurring expenditure from out of the Consolidated Fund of India which may amount to about Rs. twenty lakhs per year.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 34 of the Bill confers on the Central Government power to make rules to carry out the purposes of the Bill when enacted. Generally, these rules will relate to matters of detail and procedure. The delegation of legislative power is, therefore, of a normal character.

BILL No. 84 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1969. Short title

2. In article 217 of the Constitution, in clause (1), for the words "sixty-two years", the words "sixty-five years" shall be substituted. Amend-
ment of
article 217.

3. In article 220 of the Constitution,—

(a) for the words "except the Supreme Court and the other High Courts", the following words and proviso shall be substituted, Amend-
ment of
article 220
namely:—

"or accept any post or employment under the Central or State Governments or any local or other authority or any public or private sector undertaking;

Provided that nothing herein contained shall prevent the Central or State Government to appoint such person as chairman or a member of a commission under the Commissions of Inquiry Act, 1952."; and

(b) the Explanation shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The working of article 217 of the Constitution since the inauguration of the Constitution has revealed that the Judges of the High Courts are retired at a premature age and the benefit of their maturity is not available since they are retired at the age of 62 years. In other countries where there is a provision with regard to retirement of Judges, the age of retirement is not below 65 years. The Law Commission in its 14th Report has also recommended that the age of retirement of the High Court Judges should be raised from 62 years to 65 years.

The present situation wherein retired Chief Justices and other Judges of the High Courts are allowed to practise in the Supreme Court and the High Courts where they have not held the post of a Judge is very odious. It has resulted in tampering with judicial independence and also checked the healthy growth of the Bar in the Supreme Court.

The Law Commission in its 14th Report (Paragraphs 49, 50 and 51, page 87) has also recommended that retired Chief Justices and Judges of the High Courts should not be allowed to practise either in the Supreme Court or in the High Courts.

The Law Commission has also recommended barring of employment of retired Judges of the High Courts.

The present Bill seeks to give effect to the above recommendations of the Law Commission.

NEW DELHI;
The 22nd May, 1969.

M. NARAYANA REDDY.

RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 20/6/69-Judl.III., dated the 16th August, 1969 from Shri Vidya Charan Shukla, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the above Bill recommends the introduction and consideration of the Bill in the Lok Sabha under article 117 of the Constitution of India.

FINANCIAL MEMORANDUM

The Bill provides for the increase in the age of limit from 62 to 65 year, for the retirement of High Court Judges. This does not involve any extra expenditure inasmuch as judges have to be appointed to vacancies on the same terms and conditions on which the retiring judges function. However, it may involve a little increase in the quantum of pension on account of prolonged or extended service by three more years. It is not possible to estimate the exact amount as a result of the proposed amendment as it depends on the number of judges attaining the present retirement age in a particular year. In any case the estimated extra expenditure may not exceed rupees one lakh a year. It would not involve any non-recurring expenditure.

BILL No. 80 OF 1969

A Bill further to amend the State Bank of India Act, 1955.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the State Bank of India (Amendment) Act, 1969.

23 of 1955.

2. In section 19 of the State Bank of India Act, 1955 (hereinafter referred to as the principal Act), in sub-section (1), after clause (f), the following new clause shall be added, namely:—

Amend-
ment of
section 19.

“(g) two directors representing recognised organisations of employees including supervisory staff.”.

3. In section 21 of the principal Act, in sub-section (1), after clause (e), the following new clause shall be added, namely:—

Amend-
ment of
section 21.

“(f) two members representing recognised organisations of employees including supervisory staff.”.

Amend-
ment of
section 22

4 In section 22 of the principal Act, in clause (d) of sub-section (1), after the words "technical adviser", the words "or any employee representing recognised organisation of employees including supervisory staff", shall be added.

Amend-
ment of
section 50.

5. In section 50 of the principal Act, in sub-section (2), after clause (u), the following new sub-clauses shall be added, namely:—

"(v) the conditions subject to which the State Bank may appoint officers, advisers and other employees and fix their remuneration and terms and conditions of service;

(w) the establishment of Joint Consultative Councils at all levels consisting of representatives of management and recognised trade unions of employees including supervisory staff."

STATEMENT OF OBJECTS AND REASONS

Modern thinking is in favour of giving real and effective voice to the employees including supervisory staff in giving direction to and making the policies of the organisation to which they belong and thus create in their minds a sense of joint responsibility and thereby ensure better and happier relationship between the management on the one side and employees including the officials on the other side. It follows that the supervisory staff and other employees should also have some voice in matters relating to service conditions. Most of these privileges have been extended to the staff and employees in the Banks which have recently been nationalised by Statute.

The amendments proposed in the Bill to sections 19, 21, 22, and 50 of the State Bank of India Act, 1955 are intended to achieve the above objects.

NEW DELHI;
The 28th July, 1969.

TENNETI VISWANATHAM.

BILL No. 101 OF 1969

A Bill to amend the Maternity Benefit Act, 1961.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Maternity Benefit (Amendment) Act, 1969.

Short
title.

53 of 1961

2. In section 2 of the Maternity Benefit Act, 1961 (hereinafter referred to as the principal Act), in the proviso to sub-section (1)—

Amend-
ment of
section
2.

(a) the words “with the approval of the Central Government, after giving not less than two months’ notice of its intention of so doing,” shall be omitted;

(b) the words “or any of” shall be omitted.

3. In section 3 of the principal Act,—

Amend-
ment of
section
3.

(a) in clause (j), the words “but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code” shall be omitted.

45 of 1960.

(b) for clause (n), the following clause shall be substituted, namely:—

‘(n) “wages” means all remuneration paid or payable in cash to a woman and includes—

(i) such cash allowances (including dearness allowance, overtime earnings and house rent allowance) as a woman is for the time being entitled to;

(u) any bonus including incentive bonus;

(iii) the money value of the concessional supply of food-grains and other articles;

(iv) any deduction or payment made on account of fines; and

(v) cash value of any other fringe benefit which a woman is for the time being entitled to.’

Amend-
ment of
section
4.

4. In section 4 of the principal Act, in sub-section (4), in clause (a), for the words “one month” the words “two months” shall be substituted.

Amend-
ment of
section
5.

5. In section 5 of the principal Act,—

(a) in the Explanation to sub-section (1), for the words “one rupee”, the words “two rupees” shall be substituted;

(b) in sub-section (2), and in the proviso thereto, for the words “one hundred and sixty days”, the words “one hundred days” shall be substituted;

(c) in the Explanation to sub-section (2), for the words “laid off during”, the words “laid off and the days on which she was ill during” shall be substituted;

(d) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The maximum period for which any woman shall be entitled to maternity benefit shall be fifteen weeks, that is to say, nine weeks upto and including the day of her delivery and six weeks immediately following that day:

Provided that where a woman dies before the delivery, the maternity benefit shall be payable for the entire period of six weeks:

Provided further that where a woman, having been delivered of a child, dies during her delivery or during the period of six weeks immediately following the date of her delivery, leaving behind in either case a child, the employer shall be liable for the maternity benefit for the entire period of six weeks immediately following the date of her delivery.

Explanation.—For the purpose of granting the benefit for more than six weeks prior to the expected date of delivery, the difference between the actual date of delivery and the expected date of delivery shall be taken into account. This, however, shall not apply to a delivery prior to the expected date.”

6. In section 6 of the principal Act, in sub-section (6), for the words "such period as may be specified in the order", the words "three days" shall be substituted.

Amendment of section 6.

7. In section 8 of the principal Act, for the words "twenty-five rupees", the words "fifty rupees" shall be substituted.

Amendment of section 8.

8. In section 10 of the principal Act, for the words "one month", the words "two months" shall be substituted.

Amendment of section 10.

9. In section 12 of the principal Act, sub-section (2) shall be omitted.

Amendment of section 12.

10. In section 21 of the principal Act, for the words "three months, or with fine which may extend to five hundred rupees", the words "one year, or with fine which may extend to two thousand rupees" shall be substituted.

Amendment of section 21.

11. In section 22 of the principal Act, for the words "three months, or with fine which may extend to five hundred rupees", the words "one year, or with fine which may extend to two thousand rupees" shall be substituted.

Amendment of section 22.

12. In section 23 of the principal Act, in sub-section (1), the words "and no such prosecution shall be instituted except by, or with the previous sanction of, the Inspector" shall be omitted.

Amendment of section 23.

STATEMENT OF OBJECTS AND REASONS

The provisions of the existing Maternity Benefit Act, 1961 are far from adequate to meet the requirements of a female worker. The quantum of benefit granted under the law does not provide proper relief to a woman prior to and after the delivery. The Act is invariably violated for want of stringent measures against the offending employers.

The amendment of the Act is long overdue and it is necessary to make drastic changes to make it more favourable to the women workers. This Bill seeks to make some improvements in view of the experience of the implementation of the Act during the last 8 years.

The existing legislation does not take into account the earnings of a worker such as overtime allowance, profit sharing bonus etc., as earnings of a woman worker for the purpose of calculating the maternity benefit. This deprives her of her rightful earnings. This Bill seeks to grant justice to her in this regard. The minimum benefit of one rupee per day is extremely below the requirement and the Bill proposes to double it keeping in view the rising costs.

The existing Act provides that a pregnant woman should not be given work of an arduous nature involving long hours of standing, one month preceding the period of six weeks before the date of her expected delivery. This period, however, needs revision and it is proposed to increase it to two months in view of protection of the foetus.

At present only a woman who has worked for one hundred and sixty days during the twelve months immediately preceding the date of her expected delivery is entitled for a benefit from the employer. This condition is depriving a large number of women workers from maternity benefit. In view of a large number of women workers being treated as casual workers it is necessary to bring down this limit. This Bill seeks to bring down this limit to one hundred days of work only.

The present machinery to grant relief to a pregnant woman in case of dispute regarding maternity benefit is dilatory since the Act leaves the time limit for such payment at the discretion of the Inspector. Since a woman needs assistance immediately, the payment of such benefit should not be delayed for more than 3 days. This Bill seeks to protect women workers, by specifying the exact time limit for the Inspectors to enforce implementation of the legal provisions.

The existing provision of medical bonus of twenty-five rupees is paltry. The prices have gone up substantially since the enactment and hence it is proposed to increase the medical bonus to fifty rupees.

It is also necessary to increase the punishment drastically for non-implementation of the Act. At present the maximum punishment the employer is getting is only three months' imprisonment or a fine of

Rs. 500 or both. This provision does not act as a check against its non-implementation. This Bill seeks to increase the punishment to one year and a fine of Rs. 2 thousand. Without such stringent measures it is not possible to enforce the implementation of the legal provisions.

Such improvements in the present Act have been repeatedly demanded by the trade union movement throughout the country. However, the Act has not been amended so far. Hence the Bill seeks to do away with the injustice done to the women workers who have been deprived of a human treatment during their pregnancy and after delivery.

NEW DELHI;

SUSEELA GOPALAN

The 7th August, 1969.

FINANCIAL MEMORANDUM

Clauses 3, 5 and 7 of the Bill, if enacted, are likely to involve additional expenditure from the Consolidated Fund of India on account of enhanced payment of maternity benefit as also due to larger number of women workers who will be eligible to avail of the benefit. This imposes a financial liability on employers including the Central Government. It is estimated that a recurring expenditure to the tune of rupees seven lakhs per year will be involved from the Consolidated Fund of India.

No non-recurring expenditure will be involved from the Consolidated Fund of India.

BILL No. 85 OF 1969

A Bill to amend the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Orphanages and other Charitable Homes (Supervision and Control) Amendment Act, 1969.

Short title.

10 of 1960. 2. After section 21 of the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960, the following new section shall be inserted, namely:—

Insertion of new section 21A.

“21A. (1) It shall be the duty of the manager to correctly enter in the records the religion of every child admitted to the recognised home and the entry so made shall not be changed until the child completes the age of eighteen years and thereafter requests for a change in the said entry.

Record of religion of the child.

(2) The manager shall, immediately after an entry regarding the change of religion has been made, send a written report thereof to the Board giving the detailed particulars of the change.”

STATEMENT OF OBJECTS AND REASONS

The Orphanages and other Charitable Homes (Supervision and Control) Act, 1960 was enacted in order to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions. It is imperative that such neglected children should be given a cloak of protection and they should be looked after in such a way so that they may become good citizens and thus be an asset to the Nation. In order to maintain the sanctity of the religion of each child admitted to a recognised home, it is necessary to maintain a complete record of religion to which the child belongs. This entry should not be allowed to be changed in any manner whatsoever so long as the child remains a minor. The object of the proposed amendment is to maintain the complete sanctity of the religion of each child.

Hence the Bill.

NEW DELHI;
The 8th August, 1969.

OM PRAKASH TYAGI.

BILL NO. 82 OF 1969

*A Bill further to amend the Working Journalists (Conditions of Services)
and Miscellaneous Provisions Act, 1955.*

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Working Journalists (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1969.

Short
title and
com-
mence-
ment,

(2) It shall be deemed to have come into force on the 12th day of July, 1969.

Amend-
ment of
section 2.

2. In section 2 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, in clause (f),—

45 of 1955.

(a) the word “principal” shall be omitted; and

(b) after the words “news-photographer”, the words “part-time feature writer, part-time reporter, part-time correspondent, part-time cartoonist, part-time news photographer and such other person who sends reports, cartoons, photographs, features, etc. and is appointed for the purpose from places in urban and rural areas ’ shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to broaden the definition of working journalists as given in section 2(f) of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 so as to include working journalists who work on a part-time and full-time basis in the rural and small urban areas.

It has been found that the recommendations of the Wage Board so far as the working journalists are concerned have not covered the part-time correspondents and all those correspondents who send news from the rural areas and small towns to different News Agencies and Newspapers since it has been interpreted under the present definition of the working journalists that "principal avocation" of such journalists is not journalism. This has deprived thousands of part-time and full-time journalists who send reports to the various News Agencies and Newspapers from different parts of India of the various benefits.

The Bill seeks to achieve the above objects.

NEW DELHI;
The 13th August, 1969.

SAMARENDRA KUNDU.

BILL NO. 91 OF 1969

A Bill further to amend the Industries (Development and Regulation) Act, 1951.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Industries (Development and Regulation) Amendment Act, 1969.

(2) It shall be deemed to have come into force on the 12th day of July, 1969.

Amend-
ment of
section 11.

2. In section 11 of the Industries (Development and Regulation) Act, 1951, after sub-section (2), the following sub-sections shall be added, namely:—

85 of 1951.

“(3) The application for establishing a new industrial undertaking shall be referred by the Government to a Committee to be known as the Licensing Committee.

(4) The Licensing Committee shall consist of a Chairman who shall be a sitting Judge of the Supreme Court or a High Court and four other Members, three of whom shall be appointed by the Gov-

ernment on the recommendation of the Central Advisory Council and the Development Council and who shall be experts on industrial planning, economics and industrial engineering and the fourth Member shall be nominated by the Planning Commission.

(5) The Licensing Committee shall be nominated for a period of two years.

(6) The Government shall issue licences on the recommendation of the Licensing Committee.

(7) The Licensing Committee while recommending the issue of licences for industries shall also see that concentration of industries in the hands of individuals or a particular group does not take place and new entrepreneurs and technological talents get due consideration.

(8) The Central Government and the applicants for issue of licences may adduce evidence and submit documents that may be necessary to arrive at a quick decision for issue of licences by the Licensing Committee.

5 of 1908. (9) The Licensing Committee shall have all the powers as provided in the Code of Civil Procedure, 1908 for the summoning of witnesses, production of documents and of inspection.

(10) The Licensing Committee shall decide about the dispersal of industries and it shall recommend the location of industrial undertakings to the Government keeping in view—

(i) the interest of the backward States;

(ii) the necessity to remove regional imbalance;

(iii) the availability of raw material, water, electricity and transport; and

(iv) that industries are not located where industrial growth has been concentrated.

(11) The Licensing Committee shall recommend, as far as possible, uniform distribution of the products of such industries, such as electric pumps, tractors, fertilisers etc. which help in the regeneration of economic growth."

3. The rules framed under the Industries (Development and Regulation) Act, 1951 shall be modified so as to suit the purposes of this Act.

Rules
framed
to be
modified.

STATEMENT OF OBJECTS AND REASONS

In recent past the Licensing system of the Government of India has come in for severe criticism in the Press, Parliament, as well as, in the public for showing favours to certain business houses. It has also been pointed out that it has led to concentration of industries in certain particular group of business houses, which is against the declared objectives of Industrial Policy Resolution and of the Constitution.

Under rule 10 of the Registration and Licensing of Industrial Undertakings Rules, 1952, the Licensing Committee consists of officers from the Ministries|Departments of Commerce, Industrial Development, Finance, Steel and Heavy Engineering, Mines and Metals and the Planning Commission etc. The Chairman of such committee is also an officer of the Department of Industrial Development. It has been alleged that since the Licensing Committee is purely controlled by officers appointed by the Government, it has tended to show favours to certain group or business sometime on its own and sometime at the behest of the Government. Since the Licensing Committee's deliberations take place away from the public gaze it has left a lot of room for unfair treatment. It has failed to take stock of the need of the priority industries in the country and being party dominated has lost the national perspective of industrial development in the country.

By this Bill it is proposed to entrust the work of the Licensing Committee to a body of experts headed by a Judge, which shall take stock of the socio-economic situation and recommend to the Government the licensing of industrial establishments.

NEW DELHI;
The 13th August, 1969,

SAMARENDRA KUNDU.

FINANCIAL MEMORANDUM

The Bill envisages formation of a body which will be known as Licensing Committee presided over by a Supreme Court or a High Court judge and shall consist of four other members. The Committee is likely to transact its business in an open Court room and will also have *in camera* meetings. It is expected that total sittings of the Licensing Committee will not exceed three months a year. It will also have a Secretary and a small secretariat. Therefore the following recurring and non-recurring expenditure is estimated :

1. Judge's allowance (besides his salary) Rs. 500 p.m.	Rs. 6,000
2. Allowance of the members at Rs. 2,500 p.m. for 3 months.	Rs. 30,000
3. Salary for one full-time Secretary at Rs. 1,500 p.m.	Rs. 18,000
4. Five assistants at Rs. 300 p.m.	Rs. 18,000
5. Travelling Allowance	Rs. 10,000
6. Miscellaneous	Rs. 10,000
	<hr/> Rs. 92,000 <hr/>

BILL NO. 86 OF 1969.

A Bill further to amend the Child Marriage Restraint Act, 1929.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Marriage Restraint (Amendment) Act, 1969.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

19 of 1929.

2. In section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely:—

Amend-
ment of
section 2.

‘(a) “child” means a person, whether a male or female, who is under eighteen years of age;’

3. In section 3 of the principal Act, for the words “simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both”, the words “imprisonment of either description for a term which may extend to one year, and with fine which may extend to one thousand rupees” shall be substituted,

Amend-
ment of
section 3.

Amend-
ment of
section 4.

4. In section 4 of the principal Act, for the words "simple imprisonment which may extend to three months and shall also be liable to fine", the words "imprisonment of either description for a term which may extend to one year, and with fine which may extend to one thousand rupees" shall be substituted.

Amend-
ment of
section 5.

5. In section 5 of the principal Act, for the words "simple imprisonment which may extend to three months and shall also be liable to fine", the words "imprisonment of either description for a term which may extend to one year, and with fine which may extend to one thousand rupees" shall be substituted.

Amend-
ment of
section 6.

6. In section 6 of the principal Act, in sub-section (1), for the words "simple imprisonment which may extend to three months and shall also be liable to fine", the words "imprisonment of either description for a term which may extend to two years, and with fine which may extend to one thousand rupees" shall be substituted.

Insertion
of new
section 8A

7. After section 8 of the principal Act, the following section shall be inserted, namely:—

Offences
under sec-
tions 3 to
6 to be cog-
nizable.

"8A. Offences under sections 3, 4, 5 and 6 of this Act shall be cognizable and shall be tried in accordance with the provisions of the Code of Criminal Procedure, 1898."

5 of 1898.

Omission
of section
10.

8. Section 10 of the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The object of enacting the Child Marriage Restraint Act, 1929 was to restrain the performance of child marriages. Experience has shown that this enactment has not had its desired effect. The main cause for not achieving its object has been that the infringement of its provisions was not declared a cognizable offence nor was the punishment provided therefor deterrent. Thus in order to stop the performance of child marriages, it is necessary to effect certain amendments in the Act and to provide deterrent punishment for offences arising thereunder. It is proposed to make the said offences cognizable. Moreover, no justifiable cause exists for prescribing two different age limits in the definition of the word 'child' in the present Act. The proposed amendments are necessary so that the aims and objects of the main Act are not frustrated.

Hence this Bill.

OM PRAKASH TYAGI

NEW DELHI;

The 26th August, 1969.

BILL No. 92 OF 1969

A Bill further to amend the State Bank of India Act, 1955.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the State Bank of India (Amendment) Act, 1969.

(2) It shall come into force at once.

2. In section 17 of the State Bank of India Act, 1955, hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be added, namely:—

“(3) The Central Board shall include representatives of the depositors of the State Bank of India, employees thereof, farmers, workers and artisans, to be elected in such manner as may be specified in the regulations framed under Section 50.”

3. In section 19 of the principal Act, in sub-section (1),—

(i) in clause (d), for the word “six”, the word “four” shall be substituted;

Short
title and
com-
mence-
ment.
Amend-
ment of
section 17.

Amend-
ment of
section 19

(ii) after clause (f), the following new clause shall be added, namely:—

“(g) one director each to be elected by the depositors of the Bank, employees thereof, farmers and artisans in such manner as may be prescribed in the regulations framed under section 50.”

Amend-
ment of
section 21.

4. In section 21 of the principal Act, in sub-section (1),—

(i) in clause (c), for the word “six”, the word “two” shall be substituted;

(ii) after clause (e), the following new clause shall be added, namely:—

“(f) one member each to be elected by the depositors of the bank, employees thereof, farmers and artisans, from that region.”

Insertion
of new
sections
43A and
43B.

5. After section 43 of the principal Act, the following new sections shall be inserted, namely:—

Right of
emplo-
yees to
carry on
trade
Union
activities.

“43A. Notwithstanding anything contained in any law for the time being in force, including section 36AD of the Banking Laws (Amendment) Act, 1968, the employees of the State Bank of India shall have the right to carry on their legitimate trade Union activities in accordance with the Constitution.

58 of 1968.

Right of
emplo-
yees to
become
members
of politi-
cal par-
ties.

43B. The employees of the State Bank of India below the rank of the officers responsible for policy making shall have the right to become members of political parties of their choice.

STATEMENT OF OBJECTS AND REASONS

When Lok Sabha was discussing the Banking Companies (Acquisition and Transfer of Undertakings) Bill 1969, the Government felt compelled to accept my amendment to the effect that there should be representation, among others, for bank employees, artisans, farmers and depositors on the Boards of Directors of the nationalised banks.

The State Bank of India is the first nationalised bank in the country. It became a public undertaking as far back as 1955 when the Imperial Bank was nationalised under an Act of Parliament.

When 14 other banks in the public sector are now to have representatives from among the bank employees, farmers and depositors, it would be highly anomalous to let the State Bank of India, the first and premier nationalised banking institution, to carry on its affairs without the benefit of participation by those very elements which are vitally concerned with the progress of the banking system in this country.

This Bill seeks to bring the State Bank of India on par with the 14 other recently nationalised banking concerns.

The Bill also seeks to exempt the State Bank employees from the reactionary provision of section 36AD of the Banking Laws (Amendment) Act, 1968, and to restore to the employees of this foremost nationalised banking institution their trade union rights conferred by our Constitution.

NEW DELHI;
The 16th September, 1969.

MADHU LIMAYE.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 2 and 3 of the Bill empower the Central Government to make regulations to provide for the election of representatives of depositors etc. to the Central Board. The delegation of legislative power is of a normal character. Such power already vests in the Central Government under section 50 of the parent Act.

BILL No. 90 OF 1969

A Bill further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Companies (Amendment) Act, 1969.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

1 of 1956.

2. In section 252 of the Companies Act, 1956 (hereinafter referred to as the principal Act), after sub-section (3), the following sub-section shall be inserted, namely:—

Amend-
ment of
section
252.

“(4) At least one-third of the directors shall be elected by the employees of the company, provided that there shall be at least one

representative so elected on the Board of every public company in such manner as may be prescribed by the Central Government by notification in the Official Gazette."

Insertion
of new
section
255A.

3. After section 255 of the principal Act, the following new section shall be inserted, namely:—

Election
of direc-
tors to be
by ballot.

"255A. The election of directors other than those to be elected by the employees of the public company under section 255 shall be held by ballot and by distributive vote, that is to say, every shareholder at this meeting shall be entitled to cast as many votes as there are directors to be elected by the shareholders at the annual general meeting of the company so as to secure representation for minority opinion among the general body of the shareholders."

Amend-
ment of
section
275.

4. In section 275 of the principal Act, for the words "twenty companies", the words "ten companies" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

During the discussion on the Banking Companies (Acquisition and Transfer of Undertakings) Bill, 1969, I moved an amendment seeking to provide representation, among others, to bank employees, on the Board of Directors of the 14 nationalised banks. The amendment secured enthusiastic support in Parliament and was ultimately accepted by the Government. Similarly, in a discussion on the Calling Attention Notice on the Bennett Coleman Company, which publishes the Times of India Group of newspapers, I made a suggestion that although this was a public limited company in the private sector, its Board should contain representatives of the working journalists and other employees of the Company. The Minister of State described the suggestion as excellent and promised to consider it.

The principle of workers' participation in management must be applied not only to public sector undertakings but should also be introduced (in public limited companies) in the private sector as well. Participation by the elected representatives of the employees in the top management of the companies will not only act as a check on the malpractices that are rampant but will also enable the workers to put across their point of view at the highest level, and acquire an intimate knowledge of the working of the company, including its financial condition, without which neither will there be a sense of responsibility among the workers nor will they be able to make a useful and constructive contribution to the increasing of company's efficiency and productivity per man hour of labour.

This Bill makes a beginning in this regard.

The Bill also provides for representation of minority opinion on the Boards of Directors of the Company by changing the system of voting at the election of these directors. This principle, too, has been widely acclaimed in progressive business circles, and its enactment into law is now overdue.

The Bill further seeks to reduce concentration of economic and industrial power in the hands of a few persons by reducing the number of directorships which any single individual can hold from 20 to 10.

Altogether these three amendments will help further to democratise the structure of company management and also reduce concentration of money power in the hands of a few persons.

NEW DELHI;
The 16th September, 1969.

MADHU LIMAYE.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill provides for the framing of rules under section 252 of the Companies Act, 1956, with regard to representation of the employees of the company.

The delegation of legislative power is, therefore, of a normal character.

BILL No. 89 of 1969

A Bill further to amend the Life Insurance Corporation Act, 1956.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Life Insurance Corporation (Amendment) Act, 1969.

Short title
and com-
mence-
ment.

(2) It shall come into force at once.

31 of 1956.

2. In section 19 of the Life Insurance Corporation Act, 1956 (hereinafter referred to as the principal Act)—

Amend-
ment of
section 19.

(1) in sub-section (1), for the words “five of its members”, the following words shall be substituted, namely:—

“seven members, five of whom shall be members of the Corporation and one each shall be elected by its employees and policy-holders as may be specified in the Rules”,

(2) In sub-section (2), for the words "of whom not less than three shall be members of the Corporation" the following words shall be substituted, namely:—

"of whom two shall be members of the Corporation and one each shall be elected by the employees and policy-holders of the Corporation".

Amend-
ment of
section
23.

3. In section 23 of the principal Act, after sub-section (2), the following sub-sections shall be added, namely:—

"(3) No employee of the Corporation shall be suspended, discharged, dismissed or otherwise proceeded against, without holding a proper enquiry and without the employee proceeded against being given an opportunity to explain his conduct;

(4) The employees of the Corporation below the rank of policy makers shall have the right to become members of political parties of their choice."

Amend-
ment of
section
29.

4. In section 29 of the principal Act, after the words "by the Central Government" the following words shall be added, namely:—

"and Parliament may proceed to discuss these Reports at least once every two years, and further that the suggestions made during the course of these discussions, shall be forwarded by the Government to the Corporation for its consideration and action."

Insertion
of sec-
tion 37A.
Disputes
relating
to age of
policy-
holders.

5. After section 37 of the principal Act, the following new section shall be inserted, namely:—

"37A. All disputes relating to the age of any policy-holder shall be decided expeditiously and the age accepted by the Corporation shall be communicated to the policy holder concerned within at least six months from the payment by him of the first instalment of the premium on his policy and the same shall be binding on the Corporation in the settlement of all claims arising out of the policy concerned."

STATEMENT OF OBJECTS AND REASONS

During the discussion on the Banking Companies (Acquisition and Transfer of Undertakings) Bill, 1969 in the Lok Sabha, the working class movement secured a significant victory inasmuch as the Government was forced to accept my amendment relating to the representation of workers on the Boards of Directors of the nationalised banks.

The Life Insurance Corporation is also a nationalised undertaking, and has in addition, the monopoly in so far as the life insurance business is concerned. Although the policy-holders and the employees of the Corporation are the two elements which are vitally concerned with the progress and development of the Corporation, under the existing Act there is no provision at all for the association of the representatives of these elements with the management of this premier insurance concern.

This Bill seeks to bring management of the Life Insurance Corporation in harmony with the modern principle of workers' association with and participation in management.

The Bill also seeks to do away by an express provision of the Act certain reactionary provisions in the rules which provide for summary disciplinary action against the employees of the Corporation. These actions patently violate the principles of natural justice and should have no place in the regulations of a forward-looking public undertaking.

This Bill provides that Reports of the Life Insurance Corporation should not only be laid before the Parliament, but Parliament should at least hold a biennial discussion on these reports.

There have been serious complaints about the claims arising out of the insurance policies due to the uncertainty about the actual age of the policy-holder. It is the duty of the Corporation to ascertain the correct age and in case there is a certain uncertainty about it, to quickly decide what the actual age is, and to communicate it to the policy-holder concerned. This is to obviate harassment of policy-holders and unnecessary correspondence and litigation arising out of the claims of the policy-holders or their heirs.

NEW DELHI;

MADHU LIMAYE.

The 16th September, 1969.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill provides for the framing of rules under section 19 of the Life Insurance Corporation Act, 1956 concerning the election of members of the Corporation.

The delegation of legislative power is, therefore, of a normal character.

BILL No. 100 OF 1969

A Bill to amend the Salaries and Allowances of Ministers Act, 1952

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 1969.

Short
title and
com-
mence-
ment.

(2) It shall come into force from the first day of April, 1970.

58 of 1952.

2. In section 3 of the Salaries and Allowances of Ministers Act, 1952 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 3.

(i) for the words “two thousand two hundred and fifty”, the words “one thousand five hundred” shall be substituted; and

(ii) for the words “one thousand seven hundred and fifty”, the words “one thousand two hundred and fifty” shall be substituted.

3. (1) In section 4 of the principal Act,—

Amend-
ment of
section 4.

(i) for the words “without payment of rent”, the words “on payment of rent and maintenance, electricity and water charges” shall be substituted;

(ii) the words "and no charge shall fall on the Minister personally in respect of the maintenance of such residence" shall be omitted.

(2) Explanation to section 4 shall be omitted.

Omission
of section
5.

4. Section 5 of the principal Act shall be omitted.

Amend-
ment of
section 6.

5. In section 6 of the principal Act, in part (a) of sub-Section (1), for the words "members of his family and for the transport of his and his family's effects", the words "spouse and for the transport of his and the spouse's effects" shall be substituted.

Framing
of rules
under
section
11.

6. The Central Government may, by notification in the Official Gazette, make rules under section 11 of the principal Act for implementation of the provisions contained in sections 3 and 5 of this Act.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to amend the Salaries and Allowances of Ministers Act, 1952 with a view to satisfy public opinion and effect economy in the expenditure of the Government.

NEW DELHI;
The 3rd October, 1969.

YASHWANT SINGH KUSHWAH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government for framing of rules for implementation of the provisions contained in clauses 3 and 5 of the Bill. The delegation of power is of a normal character. Moreover the power to make rules already exists under section 11 of the principal Act.

BILL No. 94 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1969.

(2) It shall come into force at once.

2. In article 15 of the Constitution,—

(a) in clause (1), the word “caste,” shall be omitted;

(b) in clause (2), the word “caste,” shall be omitted; and

(c) in clause (4), for the words “Scheduled Castes”, the words “Scheduled Classes” shall be substituted.

Short
title and
com-
mence-
ment.

Amend-
ment of
article
15.

- Amendment of article 16.** 3. In article 16 of the Constitution, in clause (2), the word "caste," shall be omitted.
- Substitution of article 17.** 4. For article 17 of the Constitution, the following article shall be substituted, namely,—
- Abolition of Caste and Untouchability.** '17. Caste and "Untouchability" are abolished and their practice in any form is forbidden. The enforcement of any disability arising out of caste or "Untouchability" shall be an offence punishable in accordance with law.'
- Amendment of article 23.** 5. In article 23 of the Constitution, in clause (2), the words "caste or" shall be omitted.
- Amendment of article 29.** 6. In article 29 of the Constitution, in clause (2), the word "caste," shall be omitted.
- Amendment of article 46.** 7. In article 46 of the Constitution, for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted.
- Amendment of article 164.** 8. In article 164 of the Constitution, in proviso to clause (1), for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted.
- Amendment of article 330.** 9. In article 330 of the Constitution, for the words "Scheduled Castes" wherever they occur, the words "Scheduled Classes" shall be substituted.
- Amendment of article 332.** 10. In article 332 of the Constitution, for the words "Scheduled Castes" wherever they occur, the words "Scheduled Classes" shall be substituted.
- Amendment of article 334.** 11. In article 334 of the Constitution, in clause (a), for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted.
- Amendment of article 335.** 12. In article 335 of the Constitution, for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted.
- Amendment of article 338.** 13. In article 338 of the Constitution, for the words "Scheduled Castes" wherever they occur, the words "Scheduled Classes" shall be substituted.
- Amendment of article 341.** 14. In article 341 of the Constitution,—
- (a) for the words "castes" wherever it occurs, the word "classes" shall be substituted;
- (b) for the words "Scheduled Castes" wherever they occur, the words "Scheduled Classes" shall be substituted; and
- (c) for the word "caste", the word "class" shall be substituted.
- Amendment of article 366.** 15. In article 366 of the Constitution, in clause (24), for the words "Scheduled Castes" and "castes" wherever they occur, the words "Scheduled Classes" and "classes" shall be substituted respectively.

STATEMENT OF OBJECTS AND REASONS

Caste is anti-social, anti-democratic and anti-national. The statutory recognition to castes provided in various articles of the Constitution is against the very letter and spirit of the Constitution. The Constitution makers visualised the establishment of a casteless society and the leaders have also been proclaiming that there has to be such a society in the country. This objective can never be realised unless caste as an institution is derecognised by deleting it from the Constitution.

Certain safeguards are provided in the Constitution for Scheduled Castes as they are the weakest section of the Society. Those safeguards will have to continue as long as they are required and the Scheduled Castes may be re-designated as Scheduled Classes to enable them to take advantage of these safeguards.

Untouchability already stands abolished in the Constitution, but it being only an offshoot or a concomitant of the caste system has not been and cannot be actually abolished unless and until caste is also abolished.

Hence this Bill.

NEW DELHI;
The 10th October, 1969.

S. M. SIDDAYYA.

BILL No. 88 of 1969

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1969. Short title.
2. After article 24 of the Constitution, the following new article shall be inserted:— Insertion of new article 24A.

“24A. Labourers in the industrial and agricultural sectors shall have the right to strike if their grievances are not removed by mutual discussions with the employers.” Right of labourers to strike.”

STATEMENT OF OBJECTS AND REASONS

The full flowering of democracy is retarded if the workers, be they in the industrial or in the agricultural sectors and be they in the private or in the public sectors, are denied the right to strike if their economic or other grievances in their working process are not removed by mutual discussion with the employers. This right to strike needs to be enshrined explicitly in the Constitution of a democratic set-up.

The full flowering of democracy is another name of socialism, accepted by our people and Parliament as the realizable goal for social progress.

Hence the Bill for making the Constitution compatible with that ideal.

NEW DELHI;
The 13th October, 1969.

SHIVA CHANDRA JHA.

BILL No. 99 OF 1969

A Bill to restrict the conversion of religion of minors.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title,
extent
and Com-
mence-
ment.

1. (1) This Act may be called the Prevention of Conversion Act, 1969.
- (2) It shall extend to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—
 - (a) “follower” means a person who has faith in any religion and follows it;
 - (b) “major” means a person who has attained the age of 21 years;
 - (c) “religion” means any religion prevalent in India which is followed by any citizen of India.

3. The religion of every minor Indian citizen shall be one which is followed by his parents and it shall be recorded accordingly.

Religion of a minor.

4. (1) No minor shall have the right to change his religion.

No right to change religion.

(2) If a minor of his own accord or under any influence or allurement changes his parental religion or declares that he has already changed his religion, such an act shall be treated as illegal.

5. Any person who converts a minor person or attempts to convert him or assists in his conversion or exerts pressure for his conversion or gives any allurement for his conversion or gives any suggestion for his conversion, shall commit an offence punishable with rigorous imprisonment for a term which may extend to five years or with fine which may extend to ten thousand rupees or with both.

Conversion of minor by a person to be a punishable offence.

6. Any major person who wants to change his religion shall have to obtain the permission of the District Magistrate of his area by submitting an affidavit, as in the Schedule, before the said District Magistrate.

Right of a major to change his religion.

7. (1) The Central Government shall have power to make rules to carry out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE

(See section 6)

AFFIDAVIT

I, s/o of years of age, resident of declare that so far I have been following (name of religion). But now I am wilfully, without any pressure or allurements, changing my religion and am embracing (name of religion).

Signature of applicant.

Signatures of witnesses
along with full name
and address.

- (1) _____
- (2) _____
- (3) _____
- (4) _____

STATEMENT OF OBJECTS AND REASONS

The purpose of this Bill is to check the conversion of religion of minor boys and girls. In every corner of India many persons and organisations are engaged in converting minor persons. Conversion of a minor in a state of ignorance, through allurement or pressure or in any other way, is improper, unjustified and undesirable. The present situation in the country has created serious problems. It is, therefore, essential to check this inhuman act.

Hence the Bill.

NEW DELHI;
The 15th October, 1969.

YASHWANT SINGH KUSHWAH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules to carry out the purposes of the Act. The rule making power relates to administrative procedure only and is of a normal character.

BILL No. 93 OF 1969

A Bill to provide for the formation of an Authority for the purpose of setting up an atomic plant in Bihar and for matters connected therewith.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bihar Atomic Authority Act, 1969.
(2) It shall come into force at once.

Short
title
and com-
mence-
ment.

2. There shall be set up an Authority to be known as the Bihar Atomic Authority which shall consist of the following twenty-one Members —

Setting
up of
Bihar
Atomic
Autho-
rity.

(a) eighteen competent scientists, nine to be nominated by the Bihar Government and nine by the Central Government;

(b) the Prime Minister of India *ex-officio*;

(c) the Chief Minister of Bihar *ex-officio* or in his absence the Governor of Bihar;

(d) one member to be nominated by the Central Government in consultation with the Bihar Government who shall be the Director of the Authority.

Emolu-
ments
of mem-
bers of
the
Autho-
rity.

3. Except the Prime Minister of India and the Chief Minister, or the Governor of Bihar, as the case may be, the members of the Authority shall be paid suitable monthly salaries.

Functions
of the
Autho-
rity.

4. The function of the Authority shall be to set up an atomic plant near Jaduguda in Hazaribagh district of Bihar, or at any other place in Bihar, as the members of the Authority may decide, with a view to carry on further nuclear research.

Mode
of
decision
of the
Autho-
rity.

5. The decisions of the Authority shall be arrived at by a majority of the members present and voting but in case of equality of votes the Chairman of the meeting shall have a casting vote.

STATEMENT OF OBJECTS AND REASONS

The State of Bihar is the richest area in India and one of the richest areas in the world in nuclear raw materials. The Jaduguda area in Hazaribagh district is the richest uranium reservoir in the world. But despite this, it is a great injustice done to Bihar if it is deprived of its birth right to have an atomic plant of its own.

Hence the Bill for establishing an organisation, called the Bihar Atomic Authority, which will proceed with the steps for setting up an atomic plant in Bihar and for carrying out further intensive nuclear researches.

NEW DELHI;
The 18th October, 1969.

SHIVA CHANDRA JHA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to set up the Bihar Atomic Authority and clause 3 provides for payment of salaries to the members of the Authority. Clause 4 of the Bill seeks to set up an atomic plant with a view to carry out nuclear research. It is estimated that a sum of Rs. 10 crores will be required from the Consolidated Fund of India to set up the authority and the atomic plant. A sum of about Rs. 2 crores per year will be required for meeting the recurring expenditure.

BILL No. 95 OF 1969

A Bill to regulate legislation having retrospective effect.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Retrospective Legislation (Regulation) Act, 1969.

(2) It shall extend to the whole of India.

(3) It shall come into force at once.

2. No law having a retrospective or retroactive effect, enacted by Parliament, shall be valid unless the members voting in its favour in each House of Parliament constitute fifty per cent. of the total membership of that House.

Short
title
and
com-
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ment.

Regula-
tion of
retros-
pective
legisla-
tion.

STATEMENT OF OBJECTS AND REASONS

It has been generally acknowledged that legislation having retrospective or retroactive effect is bad, though the Constitution has not prohibited it altogether except in legislation imposing penalties.

But experience has shown that even in other cases, where citizens proceed and enter into transactions, Government have often been resorting to legislation with retrospective effect, depriving citizens of the rights earned in a lawful way. The Government are doing this in many cases on the plea that they would otherwise be put to financial loss. This plea has no basis. Government's remedy lies in amending the law in a suitable manner, but not in resorting to retrospective legislation to validate action taken under the invalidated law without caring for citizens' rights or the adverse financial effects it is likely to have on them.

It is conceded that there may be an extraordinary occasion when Government might have set right a mistake. In such cases, power may be given to Government to pass retrospective legislation; but the power must be hedged in by a proper safeguard, which itself does not become another point of legal controversy. The object can be achieved by prescribing the strength of the vote necessary to pass legislation with retrospective effect. Such a requirement will not prevent the passing of legislation with retrospective effect, but will prevent any hasty legislation, which seeks to nullify citizens' rights or judgments of Courts. The Bill intends to give effect to this object.

TENNETI VISWANATHAM.

NEW DELHI;

The 18th October, 1969.

BILL No. 96 of 1969

A Bill to provide for a ceiling on urban property.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Ceiling on Urban Property Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title
and
com-
mence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “annual letting value” means the bonafide letting value of a property as defined in the Income Tax Act, 1961;

43 of 1961.

(b) “appointed day” means the date notified by the Central Government in the Official Gazette as the day on which this Act shall come into force;

(c) “business premises” means premises used for purposes of carrying on business, but shall not include any property held for letting out or for sale, or for any manner of dealing in property;

(d) “person” means an individual, a Hindu undivided family, a registered or an unregistered partnership firm, a public or private limited liability company, or an association of persons, as defined in the Income-Tax Act, 1961.

43 of 1961.

(e) “urban areas” means an area notified as being the area of a Town Committee, Municipality, City Corporation or a Contonment Board, under any law for the time being in force in any State of the Union of India or in any Union territory;

(f) “urban property” means all residential buildings, flats, business premises, godowns, garages, offices, shops, house sites and shop sites, developed or undeveloped, and vacant land within the limits of a duly constituted Municipality, Town Committee, Contonment Board, or a City Corporation of any city or town in the territory of the Union of India, with a population exceeding 50,000 as per the last census;

(g) “Urban Property Corporation” means a Corporation constituted under this Act by the Central Government and incorporated under the Companies Act, 1956, in which the Central Government shall hold not less than 51 per cent of the equity capital.

1 of 1956.

CHAPTER II

URBAN PROPERTY CORPORATION

Formation of Urban Property Corporations.

3. There shall immediately be constituted for every urban area in India with a population exceeding 50,000 an Urban Property Corporation with liability limited by shares and incorporated under the Companies Act, 1956, with the object of acquiring, holding, developing, building, constructing, demolishing, reconstructing, altering, selling and renting urban property i.e., residential houses, buildings, flats, business premises, godowns, garages, offices, shops, vacant lands and vacant sites developed or undeveloped in the urban area.

1 of 1956.

Functions of Urban Property Corporations.

4. (1) The Urban Property Corporation shall build residential houses, buildings, flats, business premises, offices, shops, etc., from time to time and sell or lease them to prospective purchasers or lessees under such terms and conditions as may be determined from time to time.

(2) The Urban Property Corporation shall acquire, develop and offer for sale or lease from time to time residential and commercial sites under such terms and conditions as may be determined from time to time.

5. (1) The Central Government shall subscribe to and hold, from the date of incorporation of such an Urban Property Corporation, not less than 51 per cent of the equity shares in each of such Corporations.

Capital
of the
Corpora-
tions.

(2) The Central Government may, by rules made under this Act, offer for subscription to State Governments, Town Committees, Municipalities, City Corporations, Cantonment Boards, the Unit Trust of India, the State Bank of India and other nationalised Banks, Co-operative Central Banks, Land Mortgage Banks and/or individuals, shares in the balance of the equity capital of each of such Urban Property Corporations.

(3) The Urban Property Corporation, may with the approval of the Central Government obtain loans, float and issue redeemable preference shares and debentures, for furthering the objects of the Corporation.

6. (1) The Central Government may, by rules made under this Act, determine the mode and manner of the management of such Urban Property Corporations and for constituting the respective Boards of Management of such Corporations.

Manage-
ment
of the
Corpora-
tions.

(2) The Central Government may issue directions to the Urban Property Corporations on the policy and/or the administration of the Corporation.

CHAPTER III

Ceiling on Urban Property

7. As from the appointed day, all urban property in every urban area in India owned or held by any person shall cease to be the property of the owner and shall vest in the respective Urban Property Corporation except—

Vesting
of Urban
property
in the
Corpo-
rations.

(a) either one residential house or flat in any urban area in India used solely for the residential purposes of the person who owns such house or flat, or

Exemptions.

one vacant house site developed or undeveloped in one urban area;

(b) urban property owned and used for business purposes, or for the residence of the employees of the business of any person;

(c) urban property owned by the Central Government, State Government, Town Committees, Municipalities, City Corporations, Cantonment Boards, Limited Liability Companies (Public or Private), recognised public charitable trusts and religious, medical, educational and charitable institutions;

(d) a farmhouse or residential house adjacent to an agricultural farm or livestock farm and being part thereof where such house or building or a part thereof falls within the limits of an urban area;

(e) land normally used as agricultural land even though situated in an urban area, provided, however, that where such land ceases to be used for agricultural purposes at a later date such land shall from such date vest in the concerned Urban Property Corporation.

(2) In addition to the property exempted under sub-section (1), the following property shall also be exempted from being vested in an Urban Property Corporation where—

(a) the total market value of all other urban property owned by a person, wherever situated in India, does not exceed rupees three lakhs on the appointed day, or

(b) the total annual letting value of all other urban property, wherever situated in India, owned by a person does not exceed rupees sixteen thousand on the appointed day, and

(c) where the value of all such urban property owned by a person exceeds rupees three lakhs or where the annual letting value of all such property owned by a person exceeds rupees sixteen thousand, only property in excess of rupees three lakhs in value or rupees sixteen thousand annual letting value shall cease to be the person's property and vest in the Urban Property Corporation.

Disposal
of
property
of a
person
in the
event
of his
death.

8. On the death of a person owning urban property under clause (a) of sub-section 1 of section 7, occurring after the commencement of this Act, the successors to the estate of the deceased individually or severally shall have the option to retain the said property of the deceased for their own personal residence, use and occupation, provided they do not own urban property under clause (a) of sub-section (1) of section 7 unless they are willing to sell the property they already own under that clause and retain the said property of the deceased.

Prohibi-
tion of
renting
urban
property.

9. An urban property or any part thereof, exempt under clause (a) of sub-section (1) of section 7 shall not be rented out without the prior approval and permission of the Urban Property Corporation of the urban area wherein such property is located, except where the owner happens to be,—

(a) a widow or a person physically incapacitated from engaging in remunerative employment,

(b) a minor,

(c) a person employed in the Armed Forces of the Union of India,

(d) a person who is an employee of the State or Central Government,

(e) a person who is for the time being employed or has his usual place of residence or business outside the urban area where he owns residential urban property,

(f) a person who is more than sixty years of age or a person who has no other known source of income or livelihood either agricultural or non-agricultural.

Corpo-
rations
bound
to
pur-
chase
the
property
offered.

10. When a person holding urban property exempt under clauses (a) and (b) of sub-section (1) or under sub-section (2) of section 7 offers to sell such property to the Urban Property Corporation of the urban area where the property is located, the said Urban Property Corporation shall be bound to purchase the said property.

11. No person retaining urban property under clauses (a) and (b) of sub-section (1) or under sub-section (2) of section 7 shall sell such urban property to any one except to a person who does not hold any urban property under clauses (a) and (b) of sub-section (1) of section 7 or to the Urban Property Corporation of the Urban area in which such property is situated.

Sale of property retained under section 7.

12. (1) For the purpose of purchase by the Urban Property Corporation under section 10 or section 11, payment of the price shall be in cash and not by bonds.

Mode of payment of price of the property.

(2) The value for the purposes of such purchase shall be--

(a) determined by mutual agreement, or

(b) the valuation adopted in the latest completed wealth-tax assessment of the seller immediately preceding the year of sale, or

(c) the value as determined by an approved valuer in the case of a seller who is not a wealth-tax assessee.

13. Where an urban area is extended by notification under the appropriate law, the urban property in such extended area subject to the provisions of sub-sections (1) and (2) of section 7 above shall vest in the concerned Urban Property Corporation on the date on which such extension of area becomes effective under the relevant law.

Property in extended urban area to vest in the Corporations.

14. Where a new urban area is created by notification under an appropriate law, an Urban Property Corporation for the newly created urban area shall also be simultaneously constituted under this Act and on the day the new urban area comes into existence, all urban property in such newly created urban area shall subject to provisions of sub-sections (1) and (2) of section 7 vest in such a new Urban Property Corporation.

Property in new urban area to vest in new Corporation.

CHAPTER IV

COMPENSATION FOR ACQUISITION OF PROPERTY

15. (1) There shall be paid for all urban property vesting in any urban Property Corporation under this Act for compensation;

Compensation and the mode of its determination.

(2) The quantum of such compensation shall be determined by rules made under this Act but in no case shall such compensation be less than the market value, provided, however, where there is doubt or dispute about the market value the compensation determined shall not be less than sixteen times the annual letting value or less than the value adopted by the Wealth-Tax Officer for the latest completed wealth tax assessment immediately preceding the appointed day.

16. (1) The compensation shall be paid in cash or by way of negotiable and marketable bonds redeemable not later than 20 years after the appointed day carrying an interest of $5\frac{1}{2}$ per cent per annum or both cash and bonds in such proportion as may be determined under the rules made under this Act.

Mode and time for payment of compensation.

(2) The compensation payable for property vesting in the Urban Property Corporations consequent to sections 13 and 14 of this Act, shall be determined and paid within twelve months from the date of such vesting of the property in the respective Urban Property Corporations,

provided where such compensation is paid in Bonds such Bonds shall be negotiable and remarkable and redeemable not later than twelve years from the date of vesting of the property in the Urban Property Corporation and will carry on interest not lower than $5\frac{1}{2}$ per cent per annum.

State-
ments of
property
to be
filed to
facilitate
payment
of compen-
sation

17. (1) Within thirty days from the commencement of this Act or where urban property comes to be vested in the Urban Property Corporation in consequence of sections 13 and 14, within thirty days of such vesting, every person shall file with the Urban Property Corporation of the urban area in which such person owns or holds urban property, a statement of all urban property owned or held by him in any urban area in India, giving full particulars of area, approximate market value, annual letting value of buildings and such other details as may be determined by rules made under this Act to facilitate early payment of compensation.

(2) The compensation payable under this Act shall be determined and paid within twelve months from the appointed date, where statements have been filed under section 17(1) and where there has been delay in filing of such statements, within twelve months from the date of the filing of such statements.

CHAPTER V

MISCELLANEOUS

Penalty
for con-
cealing
urban
property.

18. (1) Where the ownership of urban property is deliberately concealed under "Benami holding" and an attempt is made to avoid coming under the operation of this Act, such property, when discovered and mala fide proved shall stand vested in the concerned Urban Property Corporation and no compensation shall be payable for such urban property.

(2) Where the spouse or the minor children of any person holding urban property also hold urban property, and where for purposes of Income-tax assessment under the Income Tax Act, 1961, they are, prior to the commencement of this Act, being separately assessed, the respective urban property of each such person shall be treated as that person's own property and shall not be aggregated for purposes of this Act.

43 of 1961.

Creation
of
urban
Property
Bonds
Redemp-
tion
Fund.

19. The Urban Property Corporation shall pay annually for twenty years from the appointed day or the date of vesting of urban property in them, into a separate fund maintained with the Reserve Bank of India called the "Urban Property Bonds Redemption Fund" a sum of not less than 5 per cent of the face value of the bonds given as compensation for the urban property vesting in the particular Urban Property Corporation.

Power
to make
rules.

20. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

To discourage speculation in land and buildings and|or the creation or absorption of unaccountable or tax-evaded money and further to enable planned and scientific development of urban areas it is considered necessary to limit urban property holdings and take over the rest by payment of compensation.

Hence the Bill.

NEW DELHI.

SHARDA MUKERJEE.

FINANCIAL MEMORANDUM

Clause 5(1) of the Bill provides for the Central Government holding 51 per cent equity capital in each of the Urban Property Corporation. Under clause 3, 765 such corporations would have to be constituted. It is not possible at this stage to indicate the precise amount of investment required but it is estimated that a provision of Rs. 200 crores from the Consolidated Fund of India would be necessary to constitute and register all these Corporations.

2. Clauses 15 and 16 provide that compensation shall be paid for all urban property vesting in the Urban Property Corporation on the basis of market value. The compensation is payable in the form of cash or marketable Central Government securities to be issued at par. Compensation will be payable with reference to actual value. The value of these properties has to be ascertained after an investigation and scrutiny and it is not possible to indicate the precise amount of the compensation which will be payable by the Central Government but it is roughly estimated that such compensation payable may be about Rs. 1000 crores. This amount may have to be paid by the Central Government over a period of two or three years, but it is not possible to indicate at this stage the exact quantum of compensation that may have to be disbursed in the current or the following financial year.

3. As regards recurring expenditure this will arise out of interest on Government securities paid for compensation. The rate of interest specified in the Bill is 5.50 per cent for a maturity of twenty years. On this basis the amount of interest liability every year will be Rs. 55 crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. The matters in respect of which such rules may be made, *inter-alia*, relate to offering of equity capital in the Urban Property Corporations for subscription, determining the mode and manner of their management, constitution of the Boards of management, issue of direction on policy and administration and determining the quantum of compensation and mode of its payment as also the proportion of cash and bonds as well as the form, manner and details of statements to be filed by persons.

The delegation of power is of a normal character.

S. L. SHAKDHER,
Secretary.

CORRIGENDA

In the Gazette of India Extraordinary, Part II—Section 2:—

1. No. 35, dated the 25th July, 1969:—

- (i) Page 611, marginal heading to clause 1, for 'Short title and commencement' read 'Short title and commencement.';
- (ii) Page 630, line 19 from top, for 'principle' read 'principles'; and
- (iii) Page 644, line 5 from bottom, after 'having' insert 'been'.

2. No. 36, dated the 25th July, 1969:—

- (i) Page 649, after 'LOK SABHA' insert 'The following Bills were introduced in Lok Sabha on the 25th July, 1969:—';
- (ii) Page 657, line 11 from bottom, for 'express' read 'expenses'; and
- (iii) Page 684 (indicated wrongly as 384), line 3 from top, for 'contiguity' read 'contiguity'.

3. No. 39, dated the 4th August, 1969:—

- (i) Page 736, marginal heading to clause 92, for 'Shortage' read 'Storage'.
- (ii) Page 790, line 13 from bottom, for 'substantial' read 'substantially'; and
- (iii) Page 795, line 17 from bottom, for 'excisable' read 'excisable'.

4. No. 45, dated the 22nd August, 1969:—

Page 844, delete 'Ex/,' appearing after the last line of clause 6.

5. No. 48, dated the 25th August, 1969:—

Page 863, marginal heading to clause 2, after 'for' insert 'the year'.

